

# United States Senate

905

November 9, 2020

The Honorable Ajit V. Pai  
Chairman  
Federal Communications Commission  
455 12th Street, SW  
Washington, D.C. 20544

Dear Chairman Pai:

As you review the Fox Corporation's request for a permanent waiver of the Newspaper-Broadcast Cross-Ownership rule, (the "NBCO Rule") to permit the common ownership of WWOR-TV and the *New York Post*, we request that you consider the persistent refusal of WWOR-TV to abide by its legal obligations to provide the people of New Jersey with local news and information. To grant Fox Corporation such a permanent waiver without addressing the news needs of the citizens of New Jersey would contravene the public interest.

As you know, if the densely populated state of New Jersey had its own media market, it would be the fourth-largest media market in the country. However, due to its position between New York City and Philadelphia, the state does not have a designated market area. WWOR-TV is one of the only commercial high-power stations in New Jersey. Carrying out a law passed in 1982 and codified as section 331 of the Communications Act, the FCC stipulated that any license holder for WWOR "devote itself to meeting the special needs of its new community (and the needs of the Northern New Jersey area in general)."

The WWOR-TV license makes clear – and the FCC has confirmed on multiple occasions – that WWOR has special obligations to serve North Jersey. Yet despite these requirements, concerns about WWOR-TV's failure to live up to its broadcasting obligations in New Jersey have endured for over a decade. In 2009, WWOR-TV reduced its news coverage by more than half. At that time, WWOR-TV broadcast only 8.8% as much news programming as its peer group. Six years later, WWOR-TV's news programming remained stagnant at 3 hours/week, while its peer stations increased their average news coverage to 56 hours/week. And WWOR-TV has now closed its Secaucus, New Jersey studio (in fact it did so within weeks of the FCC's most recent renewal of its broadcast license), meaning that the station has no permanent presence in New Jersey.

The FCC's continued refusal to hold WWOR-TV (and the station's owner, the Fox Corporation) accountable for its failures to serve the needs of the residents of New Jersey is unacceptable. For years, WWOR-TV has flouted its responsibility under the law and under its license, and yet the Commission does nothing. Should the FCC grant WWOR's request for a cross-ownership waiver, it would undermine the Commission's own goals of diversity, localism, and competition.

It would reward Fox Corporation with the ability to maintain permanent dual ownership of WWOR and *The New York Post* even though the company has failed to meet its responsibilities to New Jersey. The current temporary waiver gives the people of New Jersey hope that the station might eventually have a new owner, or at least provide additional chances to convince the FCC that the agency should take its responsibility to review WWOR's continued unwillingness to serve the state seriously.

We feel strongly that WWOR-TV's refusal to abide by its legal obligations should factor heavily in your review of its requests for a permanent waiver of the NBCO Rule. At the very least, the FCC should only grant the waiver on the condition that WWOR-TV provide substantive local news coverage to the citizens of New Jersey, and provide the people of New Jersey with clear guidance on how to judge whether the station has met those obligations. Thank you in advance for your prompt attention to this matter.

Thank you for your consideration.

/s/ Robert Menendez

United States Senator

/s/ Cory A. Booker

United States Senator